

**REMARKS**

The above referenced patent application has been reviewed in light of the Office Action, dated April 19, 2004, in which:

- claims 1, 2, & 4-26 are rejected under 35 U.S.C. § 102(b) on Grimmer (US Patent No. 5,774,552).

Reconsideration of the above referenced patent application in view of the foregoing amendments and the following remarks is respectfully requested.

A Petition for Extension of Time in order to extend the period for response 3 month(s), including the appropriate fee, is filed herewith.

Claims 1, 2, & 4-26 are now pending the above referenced patent application. No claims have been amended, cancelled, or added.

## 1. 35 U.S.C. § 102

### 1.1. *Grimmer: Claims 1-26*

The PTO has rejected claims 1, 2, & 4-26 under 35 U.S.C. § 102(b) as being anticipated by Grimmer. This rejection by the PTO of these claims is respectfully traversed.

It is well-established that in order to establish a *prima facie* case of anticipation under § 102 of the patent statute, the PTO must provide a single prior art document that alone has every element and every limitation of the claim being rejected. Therefore, if even a single element or limitation is not met by the asserted document, then the PTO has not succeeded in establishing a *prima facie* case.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant begins with claim 1. Claim 1 recites:

- 1           1. (Previously Presented) A method comprising:
- 2                 reading from a software module embedding one of a set of key associated with a
- 3                 trusted source;
- 4                 determining whether a key is traceable to one of the set of keys;
- 5                 determining whether the key is identified in a list of compromised keys; and
- 6                 if the key is not identified as compromised and is traceable to one of the keys in
- 7                 the set, assigning the key a trusted status.

It is respectfully asserted that, as just one example of how the text cited by the PTO fails to meet the language of the rejected claims, Grimmer does not show, teach, use, or describe a reading **from a software module embedding one of a set of key** associated with a trusted

source. Grimmer instead shows reading a set of keys **from a database** (the Certificate Authority, or LDAP of Fig. 6). Also, it is respectfully asserted that Grimmer does not show reading from **a software module embedding one of a set of key** as the PTO claims. See, Grimmer col. 6, lines 36-54. It is respectfully asserted that Grimmer shows using a software module **to perform encryption**.

Applicant respectfully contends that in order to fulfill the first element of Claim 1 a piece of prior art must, at a minimum:

- a) Cause the method to read from
- b) a software module
- c) that has embedded within the software module
- d) one of a set of keys...

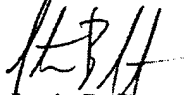
Applicant will stipulate that Grimmer shows a (d) one of a set of keys. See Column 2, lines 59-65. Applicant will also stipulate that Grimmer shows (b) a software module. See Column 6, lines 36-38, and Fig. 6. However, Applicant respectfully asserts that the public key of Grimmer **is not (c) embedded within the software module** of Grimmer. Grimmer instead shows **the public key being stored within an external database**. See Column 6, lines 36-38, and Fig. 6. Furthermore, Grimmer does not show the software module **(a) being read**. Instead, Grimmer shows the software module **performing the reading from the database**. See Column 6, lines 36-38, and Fig. 6. Applicant respectfully contends that Grimmer fails to satisfy a *prima facie* case of anticipation as directed by 35 U.S.C. § 102.

Claims 2 and 4-26 either depend from claim 1, or include a substantially similar and patentably distinct limitations as claim 1. It is, therefore, respectfully requested that the rejection of these claims also be withdrawn.

**CONCLUSION**

In view of the foregoing, it is respectfully asserted that all claims pending in this application, as amended, are in condition for allowance. If the Examiner has any questions, they are invited to contact the undersigned at 503-264-7002. Reconsideration of this patent application and early allowance of all claims is respectfully requested.

Respectfully submitted,

  
Justin B. Scout  
Reg. No. 54,431

Dated:

Mon, Oct 18, 2004

c/o Blakely, Sokoloff, Taylor & Zafman, LLP  
12400 Wilshire Blvd., Seventh Floor  
Los Angeles, CA 90025-1026  
(503) 264-0967

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